

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEXTER JOHNSON

§

v.

§

Cause # 4:10-mc-318

RICK THALER

Director, Texas

(THIS IS A DEATH CASE)

Department of Criminal Justice,

Institutional Division

§

MOTION TO APPOINT COUNSEL ON A HABEAS DEATH CASE

TO THE HONORABLE JUDGE OF SAID COURT;

COMES NOW, the Movant in the above and styled cause, by and through his attorney of record and offers this Motion for Appointment of Counsel in a Habeas Death Case pursuant to 18 U.S.C. 3006 (a). He would show this Honorable Court the following:

- 1) Mr. Johnson was convicted of capital murder and sentenced to death in the district court of Harris County in 2007.
- 2) His direct appeal was affirmed in January 27, 2010. His original state writ was denied on June 30, 2010.
- 3) Mr. Johnson has been indigent for the entire time of his charges and trial and appeals. He is without assets of any kind to the best of counsel's knowledge, and this Honorable Court has before it a motion to proceed in forma pauperis.
- 4) The undersigned counsel has been assigned to represent Mr. Johnson on his state post-conviction proceedings on an appointed basis up to now. He is familiar with the record and the matters raised on both appeal and in habeas. Undersigned counsel has been appointed in other death habeas cases, and is certified to handle capital murder cases in state court at trial, on direct appeal, and on habeas, pursuant to the actions of the Second Judicial Administrative Region of Texas
- 5) The undersigned counsel believes he is best qualified and suited to represent Mr. Johnson on his federal pleadings. However, if this court should decide that another counsel would be in the best interest of the Petitioner then the undersigned respectfully prays that the Court will find other suitable counsel with similar qualifications to enable Mr. Johnson to prosecute his petition.

FOR THESE REASONS, the undersigned counsel, on behalf of Mr. Johnson, respectfully moves that this Honorable Court appoint counsel to represent him in federal post-conviction proceedings pursuant to 21 U.S.C. Sec. 848(q).

Respectfully submitted,

s/_____
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CERTIFICATE OF SERVICE

This is to certify that on _____, a true and correct copy of the above and foregoing document was served on the US Attorney General's Office for the State of Texas at Capital Station, Texas.

s/_____
Patrick F. McCann